

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL THOMAS,

Plaintiff,

V.

DOUGLAS COUNTY JAIL,

Defendant.

4:11CV3102

**MEMORANDUM
AND ORDER ON MOTION TO
QUASH COMPLAINT**

This matter is before me on Michael Thomas’ Motion to Quash Complaint, which I liberally construe as a motion for voluntary dismissal filed pursuant to Federal Rule of Civil Procedure [41](#). (Filing No. [7](#).) In his motion, Michael Thomas, the plaintiff, states that he “no longer wish[es] to pursue the above caption action,” because “[t]he Douglas County Jail has taken the appropriate action to rectify” the matters about which he complains. (*Id.*) The defendant has not yet been served with summons, and I find that voluntary dismissal is warranted under the circumstances.

IT IS THEREFORE ORDERED that:

1. the plaintiff's Motion to Quash Complaint, construed as a motion for voluntary dismissal, (filing no. [7](#)) is granted and Michael Thomas' claims are dismissed without prejudice.
2. a separate judgment will be entered in accordance with this Memorandum and Order on Motion to Quash Complaint.

3. All other pending motions are denied as moot.

Dated September 6, 2011.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge